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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	WT Docket No. 97-199
)	
WESTEL SAMOA, INC.)	File No. 00560-CW-L-96
)	
For Broadband Block C Personal)	
Communication Systems Facilities)	
)	
and)	
)	
WESTEL, L.P.)	File Nos. 00129-CW-L-97
)	00862-CW-L-97
For Broadband Block C Personal)	00863-CW-L-97
Communication Systems Facilities)	00864-CW-L-97
)	00865-CW-L-97
)	00866-CW-L-97
To: Honorable Arthur I. Steinberg		
Administrative Law Judge		

MOTION FOR PROTECTIVE ORDER

The Chief, Wireless Telecommunications Bureau ("Bureau"), by his counsel, and pursuant to Section 1.313 of the Commission's Rules, now moves for a Protective Order regarding the release and dissemination of certain personal information concerning Cynthia Hamilton and, in support thereof, states as follows:

1. On June 24, 1998 the Presiding Judge released a Memorandum Opinion and Order, FCC 98M-83, ("Order") which substantially limited questioning at the scheduled deposition of Cynthia Hamilton to those matters specifically designated for hearing, and which did not permit inquiry into Ms. Hamilton's "medical history" and "physical whereabouts", except for

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her current residence address. Additionally, ". . . to protect her privacy and allay her fears . . .", the Order directed all persons present at Ms. Hamilton's deposition to treat the information revealed therein with the utmost confidentiality and stated that ". . . no one present at Hamilton's depositions (including counsel, their agents, and their clients) may reveal Hamilton's address to any individual who was not present at her deposition, or publish, publicize, or make known that address in any manner whatsoever."

2. A pretrial hearing in this case was held on July 7, 1998. At the request of counsel for Mr. Easton and Mr. Breen and at the urging of the Presiding Judge, the Bureau expedited its review of information which had been previously redacted from Ms. Hamilton's February 6, 1997 deposition in order to quickly supply opposing counsel with substantially unredacted transcripts of that deposition. The redacted portions of that transcript contained personal information about Ms. Hamilton which is similar to the personal information addressed the above-referenced Order. As a result of the release of the redacted material, counsel for Mr. Easton and Mr. Breen had access to the substantially unredacted transcript of Hamilton's previous deposition. Ms. Hamilton was questioned about this previously redacted information during her June 15, 1998 deposition.

3. The Bureau believes that the parties to this litigation also have unredacted copies of the January 7, 1997 investigative report ("Gutierrez Report") prepared by Thomas Gutierrez and entitled "Analysis of Abbreviated Investigation Into PCS 2000 C Block Overbid In Round 11." This report contains personal information about Cynthia Hamilton's medical,

employment and financial matters, including information regarding her banking, insurance, medical disability, Workers' Compensation and Unemployment benefits/claims, Notary commission and name "change" records and other personal identifying information.

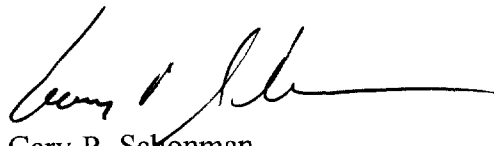
4. In order to protect the privacy and allay the continuing fears of Ms. Hamilton, the Bureau hereby requests an order extending the above-referenced June 24, 1998 Order to also prohibit the release, publication or dissemination by the parties and their agents of the personal information about Cynthia Hamilton which is contained in the former redactions to her February 6, 1997 deposition and in the Gutierrez Report, as well as any other documents that may contain personal information concerning Ms. Hamilton. Such an order would be a logical extension of the Presiding Judge's prior protective Order. Moreover, since the Presiding Judge has ruled that much of the information in question has no relevance to this proceeding, the other parties would not be prejudiced by the proposed protective order.

5. Section 1.313 of the Commission's Rules authorizes the Presiding Judge to issue any order consistent with the Commission's Rules "which is appropriate and just for the purpose of protecting parties and deponents or of providing for the proper conduct of the proceeding." In this case, it would be fully appropriate for the Presiding Judge to protect Ms. Hamilton to ensure that personal information is not disclosed to the outside world. Such disclosure would serve no legitimate purpose in this proceeding.

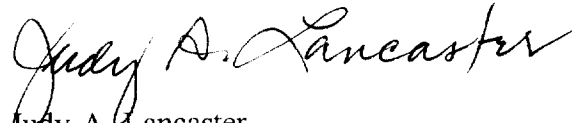
6. Accordingly, the Bureau asks the Presiding Judge to issue a protective order stating that neither parties to this proceeding nor their agents (including counsel) shall disclose personal information concerning Cynthia Hamilton to outside parties in this proceeding.

Respectfully submitted,

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau



Gary P. Schonman
Chief, Compliance and Litigation Branch
Enforcement and Consumer Information Division



Judy A. Lancaster
Katherine C. Power
Attorneys, Wireless Telecommunications Bureau

Federal Communications Commission
2025 M Street, N.W., Suite 8308
Washington, D.C. 20554
(202) 418-0569

July 24, 1998

CERTIFICATE OF SERVICE

I, Denisee McCray, a secretary in the Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, certify that I have, by first class U.S. mail, this 24th day of July 1998, sent copies of the foregoing "Motion For Protective Order" to:

Honorable Administrative Law Judge Steinberg
Federal Communications Commission
2000 L Street, N.W.
Washington DC 20554
(hand delivered)

A. Thomas Corroccio, Esq.
Brian Cohen, Esq.
Bell, Boyd & Lloyd
1615 L Street, N.W.
Washington, DC 20036

Robert L. Pettit, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

George Lyon
Lukas, Nace, Gutierrez & Sachs
1111 19th St., N.W., 1200
Washington, DC 20036

Denisee McCray